DOCUMENT RESUME

ED 447 612 EC 308 101

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TITLE Social Promotion and Students with Disabilities: Issues and Challenges in Developing State Policies. Synthesis Report 34.

INSTITUTION National Center on Educational Outcomes, Minneapolis, MN.; Council of Chief State School Officers, Washington, DC.; National Association of State Directors of Special Education, Alexandria, VA.

SPONS AGENCY Special Education Programs (ED/OSERS), Washington, DC.
PUB DATE 2000-06-00
NOTE 56p.
CONTRACT H159C950004
AVAILABLE FROM National Center on Educational Outcomes, University of Minnesota, 350 Elliott Hall, 75 East River Rd., Minneapolis, MN 55455; Tel: 612-624-8561; Fax: 612-624-0879; Web site: http://www.coled.umn.edu/NCEO ($10).
PUB TYPE Reports - Research (143)
EDRS PRICE MF01/PC03 Plus Postage.
DESCRIPTORS *Decision Making; *Disabilities; Elementary Secondary Education; Evaluation Criteria; *Grade Repetition; Individualized Education Programs; Policy Formation; *Social Promotion; *State Regulation; *Student Promotion

ABSTRACT

This policy study looks at existing and emerging state policies on social promotion to determine the extent to which students with disabilities are included or excluded. Results reflect the status of state polices at one point in time, as determined from publicly available state documents and statutes of 14 states with promotion policies. The analysis showed that policies varied considerably in terms of the bases for promotion decisions (e.g., content, grade level), but that all states used test performance as the primary basis for decisions. Although many interventions were identified for student performance remediation, most states relied on summer school, extended day, or after school programs. All of the 14 states with existing or emerging promotion policies referred to students with disabilities in their policies. However, the application of promotion criteria to students with disabilities was minimal or not clearly stated in many states. The Individualized Education Program typically plays a role in how individual decisions are made for students with disabilities, but it varies widely among states. Eight states with policies to end social promotion included specific guidelines about interventions for students with disabilities, yet these state guidelines varied widely. An appendix includes the state policies. (Contains 29 references.) (CR)

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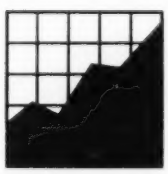

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Social Promotion and Students with Disabilities: Issues and Challenges in Developing State Policies

Rachel F. Quenemoen • Camilla A. Lehr • Martha L. Thurlow • Sandra J. Thompson • Sara Bolt

June 2000

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The Center is supported through a Cooperative Agreement (#H159C950004) with the Division of Innovation and Development, Office of Special Education Programs, U.S. Department of Education. Opinions expressed herein do not necessarily reflect those of the U.S. Department of Education or Offices within it.

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Executive Summary

Within the context of current educational reform, the move to end social promotion is receiving increasing attention. Questions about the practice of moving students to the next grade even if they do not have required skills are being addressed at the federal level, and in growing numbers of states and school districts.

This policy study looks at existing and emerging state policies on social promotion to determine the extent to which students with disabilities are included or excluded. Results reflect the status of state policies at one point in time, as determined from publicly available state documents and statutes. The review is meant to contribute to thoughtful policy development and stimulate consideration of issues associated with high stakes testing to assess accountability for students with and without disabilities.

Starting from AFT's identification of 14 states that have or will have promotion policies, we examined (1) policies in general, (2) promotion criteria and interventions, and (3) how students with disabilities are addressed in policies and interventions. School improvement plans and funding also were examined. Our analysis showed that policies varied considerably in terms of the bases for promotion decisions (e.g., content, grade level), but that all states used test performance as the primary basis for decisions. Although many interventions were identified for student performance remediation, most states relied on summer school, extended day, or after school programs.

All of the 14 states with existing or emerging promotion polices referred to students with disabilities in their policies. However, the application of promotion criteria to students with disabilities was minimal or not clearly stated in many states. The IEP typically plays a role in how individual decisions are made for students with disabilities, but the specific role varies widely among states. Our analysis revealed that it is difficult to determine intervention options for students with disabilities from public state documents. Eight states with policies to end social promotion included specific guidelines about interventions for students with disabilities, yet these state guidelines varied widely.

Implementation of policies and practices designed to stop social promotion will require continuous monitoring of student outcomes, especially in states and districts implementing high stakes testing for systems and for students. It is critical to begin open and continuous discussion among all stakeholders on the impact of policies like those examined in this report. Several issues and challenges will have to be addressed in these discussions, including:

- Confusion about the best approach to reduce social promotion, without incurring negative consequences such as increased dropout rates.

- Use of assessments designed primarily to measure progress of schools and districts for the purpose of making decisions about individual students.
- Lack of coordination of school reform components (e.g., IDEA 97 and promotion policies).
- Limited information on efforts regarding interventions, particularly as they apply to students with disabilities.
- Funding considerations that may limit the application of interventions to students with disabilities.

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Social and Political Context of Social Promotion

We expect our public schools to produce results. We expect fourth graders to work at least at the fourth grade level, eighth graders to work at least at the eighth grade, and high school graduates to have mastered the high school curriculum. What do we do when students have not reached expected levels? This question is being addressed in an increasing number of states and school districts by policies to "end social promotion." Do our expectations and our strategies for addressing the question vary depending on "who" the student is?

Over the past 150 years, the pendulum has swung between two policy directions for students in our public schools who do not attain grade level skills—repeating a grade (retention) vs. advancing to the next grade based on age and social criteria rather than on academic achievement (social promotion) (Parelius & Parelius, 1987). Social and economic pressures have influenced the policy swings as much as educational practice and research, but by the end of the 20th century, educators had come to realize that the social promotion vs. retention dichotomy is not very helpful. Consensus has emerged that the alternative to retention is not social promotion, but a host of other interventions and alternatives (Riley, Smith, & Peterson, 1999).

During the 1980s and 90s, educators struggled to define more appropriate interventions and alternatives. By 1996, Sizer summarized new thinking among educators: "the new assumption, which has emerged in the past fifteen years, is that if a kid does not get it in the usual way, the school should try to help him get it in another way. Everybody has to get it. No one can be sorted out" (Sizer, 1996, p. 35).

This shift in thinking has occurred in the political realm as well. By the mid to late 1990s, business and political leaders grappled with a labor shortage and a perception that schools must prepare the workforce with higher level skills. There has been new economic rationale to ensure that all students learn to high standards, and new impetus to improve the quality of curriculum and instruction. The Improving America's Schools Act of 1994 introduced new public school accountability mandates, and specified that all students be included in the measurement of progress toward standards. Building on that base, the Individuals with Disabilities Education Act of 1997 and other reform measures (e.g., School-to-Work Opportunities Act, Carl Perkins) emphasize high standards for all students, with inclusive accountability measures. These accountability measures require new and higher expectations for learning at the system, school, and student levels.

From that mandated base, leaders in both major political parties agree on one key piece—social promotion, the practice of moving students to the next grade even if they do not have required skills, must end. The language of the two parties sounds remarkably similar, and shows recognition of the reality that social promotion and retention are not the only two alternatives at

hand. In 1998, President Clinton declared, "... I have fought for excellence, competition, and accountability in our nation's public schools, with more parental involvement, greater choice, better teaching, and an end to social promotion" (as cited in Riley, Smith, & Peterson, 1999). Republican presidential candidate Texas Governor George W. Bush proposed legislation for his home state that sets a standard of requiring students to pass the Texas Assessment of Academic Skills (TAAS) in third, fifth, and eighth grades in order to be promoted. Governor Bush says, "this plan is designed to use the TAAS as an early warning device to get students help early, when it's most effective" (Fikac, 1999). In that context, state lawmakers have initiated social promotion legislation to address how to end social promotion, and have linked these policies to standards-based reform efforts in their states.

Current Educational Reform Issues Surrounding Social Promotion

Almost all states have established educational content and performance standards for all students. Student progress toward these standards is being measured using large-scale assessments (Olson, Bond, & Andrews, 1999; Thurlow, Ysseldyke, Gutman, & Geenan, 1998). Federal legislation (e.g., IASA, IDEA, Goals 2000) clearly states that goals and standards must be developed for all students, and that standards for students receiving general education and special education services must be consistent to the maximum extent possible. In addition, all students, including students with disabilities, must participate in state and district-wide assessments with appropriate accommodations when necessary. Social promotion must be considered in conjunction with current national education reforms to establish high standards and to measure state, district, and student achievement using formal assessment systems.

Other legislated improvement efforts also relate to social promotion efforts. Goals 2000 requirements state that the graduation rate must be increased to 90% by the year 2000 (National Education Goals Panel, 1995). Recent statistics from the National Center for Education Statistics (1997) indicate that 85% of all 18-24 year olds who were not still enrolled had completed a high school program. This statistic does not reflect the uneven distribution of dropout rates across various populations. For example, the graduation rate for white students is 91%, but it is only 83% for African American students and 62% for Hispanic students (NCES, 1997). Students with disabilities have higher rates of dropout than students without disabilities (U.S. Department of Education, 1998). Moreover, students with emotional and behavioral disorders are at highest risk for dropping out compared with students in other disability categories (Kortering & Blackorby, 1992; Marder & D'Amico, 1992; Wagner, 1995; Wolman, Bruininks, & Thurlow, 1989). A critical question to be answered is: How will policies advocating no more social promotion affect these students who are most at risk of not completing school?

This question leads to a review of civil rights issues emerging as school reform is being

implemented. Over the last half of the 20th century, progress has been made in ensuring equal access to a quality education for many targeted populations of students, such as students of color, economically disadvantaged students, students with disabilities, students with limited English proficiency, and even females as a group. This discussion has been characterized by continual tension between equity and excellence, equality and quality.

Recent work linking educational reform practice with legal issues, specifically civil rights issues, addresses that tension. Legal focus in the 1990s has been on the right of all students to have both opportunity and success in educational settings. Arthur L. Coleman, former Deputy Assistant Secretary for Civil Rights, U.S. Department of Education, concluded, based on case law that "the goals of guaranteeing excellence through the promotion of high academic standards and ensuring that all students have fair opportunities to achieve success in public education are inseparable, mutually dependent goals" (1998, p. 85). Coleman makes it clear that the legal expectation is NOT that results will be equal. Instead, each child should have an equal opportunity to achieve high academic standards, as measured by appropriate assessment processes. In that context, students must be given a fair opportunity to succeed on any high stakes assessment process, not a guarantee they will succeed. Unequal test scores do not necessarily point to inequities. Integrity of the test or decision process becomes the proof of fairness, indicated by careful alignment of standards, curriculum and instruction, assessment, and opportunity for intervention as the student works toward the high stakes assessment.

Case law reinforces these indicators as the required evidence about the integrity of the test or decision process. The court has refused to intervene on school policies that have clear performance standards based on test scores, if they provide for remedial options for students at risk of failing, and some flexibility of administration and decision-making based on student need; but they also have questioned quality school improvement programs with high stakes that are administered without adequate preparatory time for students (Coleman, 1998). The court looks for direct or indirect evidence of appropriate alignment across standards, opportunities to learn, and assessment, and for evidence of remedial efforts that are available for students at risk of failing.

The expectation of a diploma is considered to be a property right under constitutional protection; denial of promotion or graduation at a particular time is not (Coleman, 1998). Ultimately it may be that the legal issue comes at the point of graduation or diploma stakes, not on promotion decisions; but a record of interventions built into promotion decisions can make the withholding of diplomas defensible.

Implementation of the laws and regulations requiring both high standards and equity sometimes results in unintended outcomes of exclusion or denial of services to some subgroups, such as minority populations with well-documented performance gaps and students with disabilities. The use of high stakes testing to assess student accountability and make decisions about

promotion or graduation can contribute to those unintended and undesired outcomes for individuals. Alternatively, high stakes testing, *aligned to high standards and access to the general education curriculum*, can be used to identify where systematic unequal educational opportunity exists, and lead to interventions on the quality of the opportunities for all students, at both the system and individual levels.

Policies related to high standards, accountability, and decisions about social promotion can lead to either of these two alternatives. Looking at the research base on the consequences of social promotion and retention may help us understand policy options that will lead to the best outcomes for all students.

Research on Consequences of Social Promotion and Retention Policies

The research base on both social promotion and retention is of varying quality, and we have very few studies examining changes in the curriculum or instruction that students receive before and after retention. The majority of studies on retention document its ineffectiveness as an intervention aimed at improving achievement levels for students who are already struggling. Studies on social promotion are hampered by limited documentation of the number or percentage of students who are socially promoted, and the difficulty of identifying them.

Retention is the most common and immediate consequence for students who have not mastered grade level material (Shepard, 1991). Estimates suggest that about 2.4 million students are retained each year (Shepard & Smith, 1989), costing approximately 14 billion dollars annually (roughly $6,000 per student). Research on retention reinforces evidence of varying impact on racial and economic groups, finding that students who are more likely to be retained tend to be male, African American or Hispanic, of low socio-economic standing, and have parents who dropped out of school (Alexander, Entwisle & Dauber, 1995).

Some researchers investigating the effects of non promotion fear that it will increase the dropout rate (Sperry, 1996). Repeating a grade has been linked with an increased risk of dropping out of school (Cairns, Cairns, & Neckerman, 1989; Grissom & Shepard, 1989). For the individual student who drops out, negative outcomes include low income and lifetime earnings, high unemployment rates, involvement in the criminal system, and limited cognitive growth (Policy Information Center, 1995). The damaging effects of dropping out are also felt by society. In fact, the estimated costs attributed to dropouts in terms of lost revenues, welfare and unemployment, and crime prevention and prosecution have been estimated to be in the billions of dollars, translating to about $800 annually per taxpayer (Joint Economic Committee, 1991). The costs of dropping out of school are even more pronounced for students with disabilities (Marder & D'Amico, 1992). Ramifications of a policy that may increase the rate of dropouts

among at-risk populations must be carefully considered and examined, and alternative interventions be considered.

Several large urban districts have implemented social promotion policies in the past few years. The effort in Chicago has shown mixed results in student performance, and has generated heated and vigorous discussion based on competing interpretations of these early data (Moore, 1999; Roderick, Bryk, Jacob, Easton, & Allensworth, 1999). Although gains in numbers of students achieving standards were shown as a result of some interventions, especially for older students, the progress was not maintained over time (Roderick et al., 1999). The policy appears to be disproportionately affecting minority students, with African American students 4.5 times more likely to be retained than white students, and Hispanic students retained 3 times as often as white students (Moore, 1999, p. 3). Large numbers of students with disabilities and students with limited English proficiency were excluded from the initial evaluation study (Viadero, 2000).

Purpose of This Study

This policy study looks at existing and emerging state policies on social promotion in 14 states to determine how and the extent to which students with disabilities are included or excluded. This is a "one point in time" snapshot of state policies that change almost weekly, and is based on publicly available information as of December 1999. It builds on the American Federation of Teachers 1999 study of the 14 states that "have or will have a promotion policy" (AFT, 1999, p. 8), and is meant to contribute to continuing policy development and refinement in these states and others.

If students are excluded from social promotion policies and interventions, it may suggest that they are not being held to the same standards as other students, and they may be excluded from participating in educational programs that are developed as a result of the policy. It is hoped that this study will contribute to policy development that will address the rights of all students to have high expectations for learning to standards, access to the general education curriculum aligned to the standards, and varied and multiple interventions so that they all have the opportunity to succeed.

Method

For the purpose of this report, we used information collected by the American Federation of Teachers (AFT) to identify states that have or will have social promotion policies. In its report entitled *Making Standards Matter* (1999), 14 states with social promotion policies in place or in process were identified (see Table 1).

Table 1. States that Have or Will Have Promotion Policies (AFT, 1999)

Arkansas (AR)	Illinois (IL)	South Carolina (SC)
California (CA)	Louisiana (LA)	Texas (TX)
Delaware (DE)	Nevada (NV)	Virginia (VA)
District of Columbia (DC)	North Carolina (NC)	Wisconsin (WI)
Florida (FL)	Ohio (OH)	

Although other states may have social promotion policies at varying stages of development, we elected to build on the 14 states identified in the AFT research as an already identified sample. We compiled documents from each of these 14 states and examined them to answer two questions:

- What are the key components of social promotion policies?
- To what extent do social promotion policies address students with disabilities?

To answer these questions, information was gathered from public state documents available or referenced through state education department Web sites on or before December 31, 1999. Many states with social promotion policies had information that was easily accessible on their Web sites, while others did not make reference to social promotion. In all cases, legislative statutes mentioning the social promotion policy were collected. It is probable that some states have developed additional supporting material since this review was conducted. Furthermore, variability across Web sites may have reflected different levels of implementation.

Collected documents included state statutes, public reports, policy memos, and guidelines. We examined each document and generated several categories for organizing the information through discussion and consensus. Next, through a process of data reduction, information was summarized and grouped into categories illustrating: the criteria used to determine whether students are promoted, the extent to which students with disabilities are addressed, and the extent to which student interventions and school improvement plans (linked to social promotion policies) are in place. In addition, documents were examined to determine whether funding was specifically mentioned in relation to instituting social promotion policies. Summary sheets for each state were developed and, in some cases, language was inserted that was taken directly from the public documents. The sources used are included in each state's summary sheet (see Appendix A).

After the state summary sheets were developed, we identified similarities and patterns across

states. Summary statements were generated from the patterns that emerged. These are listed in the Results section, by category of statement. All information was reexamined and verified by NCEO staff for accuracy against the December 1999 data sample.

Results

The results of our policy analysis reflect the status of emerging state policies at one point in time, as determined from publicly available state documents and statutes. Within these emerging policies, states put varying emphasis on the methods of ending social promotion, including student retention, retention with interventions or support, and promotion with interventions and support. States may use the same grade levels, subjects, and criteria to determine student performance against standards, but somewhat different outcomes may result from the states' varying emphasis on (1) retention, (2) retention with interventions and supports, and (3) promotion with intervention and supports. At this point in time, policies do not always define this variability clearly. Thus, the tables do not differentiate among these three strategies, and for the purposes of this paper, we include all three equally as policy decisions to "end social promotion."

Grade Levels and Subjects

Table 2 lists the grade levels and the subject areas in which students are assessed in order to make promotion decisions. We generated several summary statements based on the information found in the public state documents:

- Promotion decisions are made on the basis of test performance in a variety of subject areas. The 14 states that have policies for ending social promotion base decisions on student performance in math, reading, writing, science, or social studies (social studies may include citizenship, history, social science, and geography).
- Reading and math are the most common subject areas on which promotion decisions are based.
- Promotion decisions are made at a variety of grade levels. Of the 14 states that have social promotion policies, grade levels ranged from K to 11.
- Assessment to determine promotion occurs most often in grades 3, 4, 5, and 8.

Although most states note the subject area assessed and grade level used to determine promotion, some states do not clearly specify one or the other or both. In one state, we could not determine,

Table 2. States Targeting Grade and Subject Area for Promotion Decisions

	Math	Reading	Writing	Science	Social Studies
Kindergarten	Arkansas	Arkansas	Arkansas		
Grade 1	Arkansas, District of Columbia, South Carolina	Arkansas, District of Columbia, Florida, South Carolina	Arkansas		
Grade 2	Arkansas, District of Columbia, South Carolina	Arkansas, California, District of Columbia, Florida, South Carolina	Arkansas		
Grade 3	Arkansas, District of Columbia, Florida, Illinois, North Carolina, South Carolina, Virginia	Arkansas, California, Delaware, District of Columbia, Florida, Illinois, North Carolina, South Carolina, Texas, Virginia	Arkansas, Illinois, Virginia	Virginia	Virginia
Grade 4	Arkansas, California, District of Columbia, Florida, Louisiana, Nevada, Ohio, Wisconsin	Arkansas, California, District of Columbia, Florida, Ohio, Louisiana, Nevada	Arkansas, California, Florida, Louisiana, Ohio, Wisconsin	Ohio, Nevada, Wisconsin	Ohio, Wisconsin
Grade 5	California, District of Columbia, Florida, Illinois, North Carolina, Virginia, Texas	California, Delaware, District of Columbia, Florida, Illinois, North Carolina, Texas, Virginia	California, Illinois, North Carolina, Virginia	Virginia	Virginia
Grade 6	Arkansas, District of Columbia, Florida, Ohio, South Carolina	Arkansas, District of Columbia, Florida, Ohio, South Carolina	Arkansas, Ohio	Ohio	Ohio
Grade 7	District of Columbia, Florida	District of Columbia, Florida			
Grade 8	Arkansas, California, Delaware, District of Columbia, Florida, Louisiana, Nevada, North Carolina, South Carolina, Texas, Virginia, Wisconsin	Arkansas, California, Delaware, District of Columbia, Florida, Louisiana, Nevada, North Carolina, South Carolina, Texas, Virginia	Arkansas, California, Florida, Louisiana, North Carolina, Virginia, Wisconsin	Nevada, Virginia, Wisconsin	Virginia, Wisconsin
Grade 9	District of Columbia, Florida	District of Columbia, Florida			
Grade 10	District of Columbia, Florida, Nevada, Ohio	Delaware, District of Columbia, Florida, Nevada, Ohio	Florida, Ohio	Nevada, Ohio	Ohio
Grade 11	District of Columbia	District of Columbi			

Note: The information in this table is based on policies available in December 1999. Some of the policies at that time were in *proposed* state policies while others were in policies already in place.
CA: English/Language Arts has been included in the category labeled "writing." Decision making occurs between "intermediate and middle" school and between "middle and high school." For this chart, CA has been counted in grade 5 and grade 8.
FL: Florida will add testing in science in grade 2003. Testing occurs in grades 1-3 but promotion decisions are made in grade 4. Remediation may occur in primary grades and data from earlier grades may be used in decision-making in grade 4.
IL: Districts can ask for optional reading inventories to provide appropriate remediation in primary grades.
OH: Testing occurs in reading during grades 1-3, but promotion decisions are made in grade 4.
TX: School districts may opt to require students in grades K-8 who are not likely to be promoted to attend an extended year program to be eligible for promotion.
VA: Diagnosis of reading deficiency and intervention provided in grades K-1.
WI: Remedial reading service for pupils in grades K-4 who fail to meet reading objectives or fail to pass reading assessment.

from the documents that were publicly available, which grade levels or subject areas would be assessed to determine promotion decisions. It is possible that lack of clear and easily accessible information may reflect policies that are relatively new or in the process of development.

Criteria

Table 3 lists various criteria that are considered in making promotion decisions. It is not clear from examining public state documents whether these criteria are the same for students with and without disabilities.

From the information summarized in Table 3, we generated several statements:

- Performance on statewide (n=13) or local assessments (n=3, 2 of which also use statewide assessment performance) is used by all 14 states to make decisions about promotion.

Table 3. Criteria Considered in Making Promotion Decisions

Criteria	Number of States	States
Statewide Assessment Scores	13	Arkansas, California, Delaware, District of Columbia, Florida, Illinois, Louisiana, North Carolina, Ohio, South Carolina, Texas, Virginia, Wisconsin
Teacher Input	9	California, District of Columbia, Illinois, Louisiana, Nevada, North Carolina, Ohio, Texas, Wisconsin
Grades/School Credits	7	California, Delaware, District of Columbia, Louisiana, Nevada, Ohio, Wisconsin
Attendance at Summer School/Extended Year Program	7	Arkansas, California, Delaware, District of Columbia, Louisiana, South Carolina, Texas
Principal Input	6	California, District of Columbia, Nevada, North Carolina, Ohio, Texas
Parent Input	4	California, North Carolina, South Carolina, Texas
Classroom Evidence of Performance	3	District of Columbia, Florida, North Carolina
Attendance	3	Louisiana, Nevada, Ohio
Other Local Assessment or Standardized Test Scores	3	Florida, Illinois, Nevada
Committee Review	2	Florida, Louisiana
Student Request	1	South Carolina

Note: The information in this table is based on policies available in December 1999. Some of the policies at that time were in *proposed* state policies while others were in policies already in place.
CA: Local school boards set their own policy; the state provides samples or models of policy. Suggestions for research and practice to help make promotion decisions and plan interventions are available on CA Web site, along with links to other Web sites from organizations that can assist in the process.

- For states that are developing policies ending social promotion, a variety of criteria are used when considering promotion decisions. The most frequently considered criteria are statewide assessment scores, teacher input, grades or school credits, and attendance at summer school/extended year programs.

- Other criteria that are considered include principal input, parent input, classroom evidence of performance, attendance, committee review, other local assessment or standardized test scores, or student request.

Most states use more than one type of criteria to make promotion decisions. For example, in some states, statewide assessment scores are the primary means of determining promotion status, but parent or principal input also plays a role in the final decision about whether a student is promoted. In California, local school boards can choose not to use the state assessment scores as criteria for making promotion decisions, and may instead rely on other indicators such as grades. Nevada also relies on local policy for determining how promotion decisions are made. Local school boards must set a minimum number of credits students must accumulate, but this number may vary across the state. Nevada also places authority to retain a pupil in the hands of the child's teacher and principal: "the pupil's teacher and principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year." In some states students at risk of retention can attend summer school or an extended year program to make up credits or increase skills in order to be promoted the next school year.

Five states have promotion policies that specify limits on how long or how many times a student may be retained (Delaware, District of Columbia, Florida, Louisiana, Nevada). These limits vary across states. The District of Columbia and Louisiana limit the number of times a student can be retained based on a student's age. For example, in Louisiana, a fourth grade student who is 12 years old on or before September 30 must be placed in an alternative setting or program if he/she fails to score above "unsatisfactory," as opposed to being retained with younger fourth graders. Delaware and Florida allow a student to be retained for no more than two years. Florida also stipulates that if a student is retained, "it must be in a program different from the previous year's program." Nevada law states that no pupil can be retained more than one time in the same grade. Other states allow districts to decide how long a student may be retained.

Criteria for Students with Disabilities

All of the 14 states with emerging promotion policies refer to students with disabilities; however, application of promotion criteria to students with disabilities is minimal or not clearly stated in many states. According to many state policies, the IEP plays a role in how

individual decisions for students with disabilities are made. These roles vary among states:

- For many states, the IEP plays a role in determining how the student will participate in statewide assessments that are part of the criteria for promotion decisions (through regular assessment, alternate assessment, assessment with accommodations, etc.). This is the case for Arkansas, Illinois, Louisiana, North Carolina, and Wisconsin.

- According to some state policies, students with disabilities must meet the same criteria for promotion as students without disabilities unless the IEP stipulates otherwise (California, South Carolina).

- In other policies, promotion for students with disabilities is simply based on whether the student meets IEP goals (District of Columbia, Nevada).

- In one state, it appears that students with disabilities can be exempted from taking the test involved in promotion decisions by an IEP decision (Ohio). In another (Virginia), passing literacy tests is not required for students with disabilities to enter ninth grade if they are progressing on objectives of their IEP or 504 plan. The literacy test is required for students without disabilities. However, passing of the Standards of Learning (SOL) tests is required of students with disabilities unless the IEP allows them to demonstrate proficiency on alternate assessment.

These states may have additional procedures clarifying these exemptions in their special education laws, rules, or regulations, but the linkages were not specifically addressed in public social promotion policy documents available as of December 1999.

Although reference to students with disabilities was evident in most state promotion policies, only two states provided specific information about promotion decisions for students with disabilities. For example, California policy documents include specific questions that must be addressed by the IEP team to determine whether a student with disabilities may be retained. These questions relate to whether the IEP and manner of assessment were appropriate, and whether appropriate services were offered and provided to the student. Louisiana notes that criteria for promotion decisions for students with disabilities must take into account student attendance, completion of IEP goals, transition planning, and the use of an alternate assessment if necessary.

States vary widely in the ways that the IEP is used to assist in making social promotion decisions. In South Carolina, students with disabilities are subject to general education social promotion criteria unless the IEP defines goals and promotion standards that differ from the general education goals and standards. In Ohio, students with disabilities may be excused from taking the assessment (on which promotion decisions are based) if the IEP specifies accordingly. In the District of

Columbia and Nevada, students with disabilities may be promoted if they are meeting the goals stated on their IEPs. In North Carolina, students with disabilities may be exempted from statewide student accountability promotion standards by the IEP team if the team determines that the students do not have the ability to participate in the state standard course of study. Other states such as Texas use a local committee to make decisions about promotion/retention for students receiving special education services. In Florida, its policy states that the state board rules are to address the promotion of students with disabilities, and in Delaware, it states that "the Department is to develop regulations to address how to implement the standards with students with disabilities."

Student Interventions

Table 4 lists remediation options for students in states that are developing policies to end social promotion. In some states, these interventions may occur for students at risk of not being promoted, or they may be implemented after a student has failed a test used to determine promotion.

A variety of intervention/remediation options is described across the 14 states that are developing policies to end social promotion. The most common remediation is summer school followed by extended day or after school instruction, reading instruction, early intervention, and reduced class size. A review of the list suggests that a majority of the interventions could be characterized as "more of the same" rather than a change in the instructional or educational program. Only one of the interventions, *early intervention plans*, is considered a preventive approach:

- Policies in four states describe plans to identify students at risk of performing below grade level early in the year (Arkansas, California, Illinois, South Carolina).
- Retention is specifically identified as a remediation option in two states (Illinois, North Carolina).
- In Florida, remediation is required regardless of whether a student not meeting requirements is promoted or retained.
- Individual Academic Improvement Plans are used in seven states to guide remediation for students who have not passed the assessment used to determine promotion (Arkansas, California, Delaware, Florida, North Carolina, South Carolina, Texas).

Table 4. Intervention/Remediation Options in States with Policies to End Social Promotion

Intervention/Remediation	Number of States	States
Summer School/Extended Year Program	11	Arkansas, California, Delaware, District of Columbia, Florida, Illinois, Louisiana, North Carolina, Ohio, South Carolina, Texas
Extended Day/After School Instruction	5	California, Delaware, Florida, Illinois, North Carolina
Reading Instruction	5	California, Delaware, Florida, Virginia, Wisconsin
Early Intervention Plans (K-3)	4	Arkansas, Ohio, Virginia, Wisconsin
Class Size Reduction	4	Florida, Illinois, North Carolina, Texas
Tutoring	3	Florida, Illinois, North Carolina
Saturday School	3	California, Delaware, North Carolina
Modifications to Instructional Approaches	3	Illinois, North Carolina, Texas
Special Homework	2	Illinois, North Carolina
Drop-out Recovery Education Program	2	Florida, Texas
Parent Involvement	2	North Carolina, Ohio
Mentoring	2	Delaware, Florida
Intersession School	1	California
Modified Instructional Materials	1	Illinois
Alternative Learning Models	1	North Carolina
Modified Curriculum	1	Florida

Note: The information in this table is based on policies available in December 1999. Some of the policies at that time were in proposed state policies while others were in policies already in place.

Interventions for Students with Disabilities

It is difficult to determine intervention options for students with disabilities from public state documents. Eight states with policies to end social promotion included specific guidelines about interventions for students with disabilities and these state guidelines varied widely (Arkansas, California, Delaware, Florida, Louisiana, North Carolina, Ohio, Texas). Most state policies do not clearly specify intervention options for students with disabilities who fail promotion tests, nor do they indicate whether interventions apply to students with and without disabilities. However, when intervention options are addressed for students with disabilities, they differ widely across the states. Some states specify that students with disabilities can have

access to interventions that are available in general education. For example, North Carolina policy states that all interventions and other opportunities/benefits and resources available to students without disabilities be made available to students with disabilities who participate in the promotion standards. These are in addition to special education services. In contrast, some states indicate that students receiving special education services cannot access programs available to other students. In Ohio, intervention that is provided to students who fail to demonstrate proficiency on the fourth grade test does not apply to students with disabilities. Other states have policies that were mixed. In Louisiana, any student (including exceptional students participating in LEAP 21) who does not meet standards on state tests is provided remedial education. However, Louisiana policy also states that the failure of students receiving special education services to achieve performance standards on state tests does not qualify them for special education extended school year programs. And, in California, students with disabilities are allowed to participate in Intensive Instruction/Summer Programs offered to students without disabilities, but students with disabilities cannot participate in an Extended School Year program at the same time.

Other states have developed special programs or interventions for students with disabilities. In Arkansas, policy indicates that the IEP is to be used as an academic improvement plan when it addresses an academic area in which the student is not proficient according to state-mandated assessments. In Florida, a pilot scholarship program for students with disabilities has been developed allowing students to attend a school of choice if their academic progress in at least two areas has not met expected levels as determined by their IEPs.

School Improvement Plans

Seven states have policies requiring the use of school improvement plans to address goals for students to meet grade proficiency levels (Arkansas, Delaware, Florida, Illinois, Louisiana, Ohio, Virginia). Most of the states advocating the development of school improvement plans do not specify the content of these plans, but require the development of a "comprehensive long-range school improvement plan focused on school achievement." California suggests promotion and retention policies should complement the standards-based accountability systems that are in place at the district level. South Carolina requires the reporting of the number of students retained at each grade level, the number of students on probation, number of students retained after being on probation, and the number of students removed from probation.

Funding

Sources of funding tied to policies designed to end social promotion were identified in 11

of the 14 states (Arkansas, California, Delaware, Florida, Illinois, Louisiana, North Carolina, Ohio, South Carolina, Texas, Virginia). Several states allow schools to receive funding through school improvement plans. In Florida, there is a separate "Supplemental Academic Instruction" fund that is offered to a school based on the school's plan, which identifies the students to be served, and how they will be served. In South Carolina, state funding is offered for the diagnosis of student deficiencies, and in determining the instruction needed for remediation. In Virginia, funding is provided for additional hours of instruction to students, and for teacher training on remediation. Also, funding for the Early Intervention Reading Initiative is offered. In North Carolina, the State Board of Education is asking the state for funding to make sure that third graders meet grade level requirements. How these funding options interact with categorical funding for services to students with disabilities is not clear.

Issues and Challenges

This review of emerging social promotion policies in 14 states is meant to contribute to policy development that will address the rights of all students to have high expectations for learning to standards, access to the general education curriculum aligned to the standards, and varied and multiple interventions so that they all have the opportunity to succeed. As these 14 states and others continue to develop and refine their policies, there must be open and continuous discussion by all stakeholders on the impact of the policies. Three basic questions need to be considered:

- At the individual level, how do policies ensure that all students have high expectations, access, and opportunities to learn to high standards?
- At the systems level, how do policies ensure that high expectations, access, and opportunities are available at every school, and in every classroom?
- What unintended and undesired outcomes could result from policies, and for whom?

There is no single policy formula to ensure the best possible outcomes. This discussion of the issues and challenges that states and districts face as they grapple with these questions can help policymakers, practitioners, and community members in each state and district search thoughtfully for optimal solutions. Based on data from the 14 states, we present key issues and challenges that affect students with disabilities in these five areas: (1) current understanding of retention and promotion, (2) focus on testing, with linkages to larger school reform efforts, (3) linkages to IDEA 97 components of school reform, (4) current understanding of successful interventions, and (5) availability of resources.

Current Understanding of Retention and Promotion

States put varying emphasis on the methods of ending social promotion, including student retention, retention with interventions or support, and promotion with interventions and support. However, there is a lack of clarity in current policy as to which of the options is preferred or expected. This lack of clarity reflects a research base of varying quality on both social promotion and retention, with few studies examining changes in the curriculum or instruction students receive before and after retention or promotion. Many emerging policies are initiated as a result of pressures in the political realm, not in the purely educational realm, and policymakers do not have the luxury of waiting for a substantive research base on best practices to be developed before taking action.

This political reality opens the door to potential solutions as states and districts actively collaborate to share initial results of their emerging policies and practices. For example, researchers from the Consortium on Chicago School Research are studying the implementation of their promotion/retention policy, sharing results as they emerge (Roderick et al., 1999). There is active and public debate over varying interpretations of the data, an indicator of open and potentially fruitful investigation. As another example, the California Department of Education Web site provides links to district policy and procedure pages, as well as to Web sites with research based information on interventions. Sharing information in this way may encourage dialogue among policy developers, researchers, and practitioners, and has the potential to contribute greatly to thoughtful continuous improvement of policy.

Whether and how students with disabilities are included in these studies of implementation and existing practices is of concern, however. Although all 14 of the states we reviewed mentioned students with disabilities in their policies, application of promotion criteria to students with disabilities is minimal or not clear in many states. There are some bright spots: in two states, policies specifically state that students with disabilities must meet the same criteria for promotion as students without disabilities unless the IEP stipulates otherwise. By studying implementation in these states, we can learn how this general expectation affects the decisions made by the IEP teams in contrast to states where policy language suggests that students with disabilities will be exempted. Based on our review, four states have policies either exempting students with disabilities from general education promotion testing requirements, or they allow promotion decisions to be based solely on IEP goals. Research and policy analysis must carefully look at these policies to determine whether this also means that students with disabilities are exempted from high expectations, access, and opportunity.

Focus on Testing, Linkages to Larger School Reform Efforts

This review of emerging social promotion policies in 14 states demonstrates the current emphasis on testing as a primary tool for school reform. All 14 states rely on state or district testing as a method of identifying students who are not meeting expected levels of performance. Of these states, only Nevada does not have a statewide assessment aligned to standards; in Nevada districts select their own test from which retention/promotion decisions are made (AFT, 1999).

Most state tests have been developed as part of the state's accountability system, designed to measure progress of districts and schools toward state or locally defined standards for all students. Many states have developed these tests as part of the Improving America's School Act (IASA) Title I requirements. Title I requirements reflect the expectation that all students will master challenging standards in the core curriculum. This law requires that standards be set and assessments be designed in the core areas of mathematics and language arts/reading, and in other areas at the state's discretion. Results on these assessments and other indicators are used to determine whether schools are meeting adequate yearly progress requirements, leading to continuous assessment and improvement of student achievement of core curriculum content standards for the system. Assessment systems have been designed as a systems check for school improvement purposes, and not primarily as tools for assessment of individual student performance.

The data from the 14 states demonstrate an overlap in function of the tests between school improvement purposes and measurement of individual student performance. Mathematics and language arts/reading are the dominant subjects used in determining promotion, and in most states the assessment tool cited in promotion policy also tests performance in these subjects for system accountability. If the use of these test results is to hold the system accountable for providing high expectations, access, and opportunity to learn prior to holding the students accountable, then the overlap is appropriate. It may also be an appropriate approach in states where multiple factors determine student consequences. However, use of a single test score to determine student consequences from an assessment designed primarily to measure system performance is a questionable practice (Heubert & Hauser, 1999). This practice will have particularly negative effects on students for whom the large–scale assessment is not a good measure of their skills due to documented "gray areas" of current assessment systems (Almond, Quenemoen, Olsen, & Thurlow, 2000). Many of these students are students with disabilities.

For many students, scores on large-scale assessments reflect their skill levels with reliability, validity, and fairness. For others, they do not. The data from these states reflect some understanding of the need to have multiple criteria to determine student stakes. Many states have multiple indicators, but some do not. States and districts can strengthen their approach to ending social promotion by working with stakeholders to clarify how to hold the system

accountable first, and then to use multiple strategies to identify students who are at risk for retention (Heubert & Hauser, 1999).

The use of testing as one piece of the social promotion policy puzzle is extremely important, specifically as it applies to holding the system accountable for high expectations, access, and opportunities for all students to learn. The benefit of linking social promotion policy to the larger context of school reform is that there is clear opportunity to improve access and opportunity to learn, and to improve schooling by clearly articulating the linkages between system accountability and student achievement. If good data are not available for students with disabilities, or if students with disabilities are not included in either the system or individual level accountability systems, it is questionable whether the students and the services will see improved results over time.

Linkages to IDEA 97 Components of School Reform

One component of the larger context of school reform, the Individuals with Disabilities Education Act amendments of 1997 (IDEA 97), explicitly requires that goals and standards for students with disabilities be consistent with the goals and standards for all students to the maximum extent appropriate. It also requires that all students be included in regular large-scale assessments, with appropriate use of accommodations or modifications, or in an alternate assessment developed for the small number of students who "cannot participate" in the regular large-scale assessment. Assessment results of students with disabilities must be aggregated with and disaggregated from those of students without disabilities.

Data from these 14 states reflect some recognition and articulation of IDEA linkages in social promotion policies for students with disabilities. The IEP plays a role in determining how the student will participate in statewide assessments that are part of the criteria for promotion decisions in 6 of the 14 states, but not all states articulate the link. All states are currently required to have a process in place to make participation decisions, but not all states have articulated the relationship between that component of school reform and social promotion decisions. Both the Title I and IDEA 97 requirements reflect the expectation that most students with disabilities should and can achieve high standards, and thus meet the same promotion standards. States and districts can improve results for all students by thoughtful coordination of school reform components in policy.

Current Understanding of Successful Interventions

Data from the 14 states reflect some understanding of the need for multiple interventions, but only one of the practices listed, early intervention plans, is clearly a preventive approach. The

four states with early intervention plans monitor progress of students from kindergarten through third grade to identify students who need extra supports to succeed at grade level. Additionally, four states identify older students at risk of performing below grade level early in a school year, which gives the student extra support for that year. The most frequent intervention mentioned in policy, summer school, may or may not include effective intervention. Florida policy specifically requires that "if a student is retained, it must be in a program different from the previous year's program" and that "the new program must take into account the student's learning style" (see Appendix A, Florida summary). Few states specifically define alternatives in statute or in early public documents, although this is probably a reflection of early stages of development. Again, as states refine their approaches, they can develop better practices by working closely with other policymakers, practitioners, researchers, and community members, building on the research base of effective strategies for different needs and settings.

How these intervention policies and strategies will apply to students with disabilities remains to be seen. Early data from high stakes testing indicate that many of the students who fail high stakes tests are students with disabilities (Thompson, Thurlow, Spicuzza, & Parson, 1999). How states intervene to ensure that more of these students are successful is critical. For example, we found that seven states require Individual Academic Improvement Plans for students who have not passed the assessment used to determine promotion. In most of these seven states, it is not clear from policy whether that also applies to students with disabilities, but in Arkansas, policy indicates that the IEP is to be used as an academic improvement plan when it addresses an academic area in which a student is not proficient according to state-mandated assessments. This type of definition of how the IEP relates to regular education promotion stipulations may provide a method for thoughtful assignment of students with disabilities to the optimal intervention. However, its success may require building the capacity of IEP teams to understand the challenges of high expectations, access to the general education curriculum, and opportunities to learn. Careful observation of implementation practices will determine whether that is the result.

In these emerging policies, the range of options available to students with disabilities differs greatly from state to state. For example, North Carolina policy states that all interventions and other opportunities, benefits, and resources available to students without disabilities be made available to students with disabilities who participate in the promotion standards. These are in addition to special education services. In contrast, some states indicate that students receiving special education services cannot access programs available to other students. It is important that interventions for students with disabilities be aligned with services all students can receive to ensure access to the general education curriculum, while also addressing unique learning needs that require special education services. States must address these issues as they develop and refine their policies.

Availability of Resources

Sources of funding tied to policies designed to end social promotion were identified in 11 of the 14 states, although no judgment can be made on adequacy of the funding proposals. Resources available, and specifically money to fund effective prevention and intervention strategies, are important components of social promotion policies that can ensure all students achieve high standards. Mandating an end to social promotion, increasing standards, reliance on testing for high stakes accountability for students and schools—all will have negative outcomes for some student populations without clear alternatives and resources to successfully implement alternatives in all districts and geographic areas, and for all students.

Students with disabilities are in a unique situation in the discussion of resources. Special education services receive categorical funding for a portion of the cost of providing services, as defined by federal and state law. In some states, social promotion policies state that students with disabilities can participate either in the interventions developed as part of the social promotion policy or in special education services, but not both. These stipulations may reflect a view that since special education services are eligible for categorical funding, the students receiving the services "don't need" any more intervention or resources. In some discussions, that sentiment reflects the belief that students receiving special education services also "don't need" to be part of expectations to achieve high standards, and "don't need" to be part of the district or individual accountability system. Careful and open discussion of what beliefs are reflected in policy will help stakeholders rethink these beliefs.

Conclusions

The purpose of this discussion of issues and challenges is to contribute to the thoughtfulness and clarity of state and district discussions about emerging social promotion policies and procedures. In this era of school reform, the stakes are high for systems and individuals. The use of high stakes testing to assess student accountability and to make decisions about promotion or graduation can contribute to unintended and undesired outcomes for individuals. Implementation of these policies and practices will require continuous monitoring of the outcomes, especially in states and districts implementing high stakes testing for systems and for students.

Alternatively, high stakes testing *aligned to high standards and access to the general education curriculum* can be used to identify where systematic unequal educational opportunity exists, and lead to interventions improving the quality of the opportunities for all students, at systems and individual levels. With thoughtful policies and procedures, we can achieve the goal that all

students, including those with disabilities, will have high expectations for learning to standards, access to the general education curriculum aligned to the standards, and varied and multiple interventions so that they all have the opportunity to succeed.

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Appendix A

State Social Promotion Policies

Arkansas

The Arkansas Code reviewed is Arkansas Code 1987, and is current through the 1999 Regular Session. Arkansas Code can be found at www.arkleg.state.ar.us/lpbin/lpext.dll
The Arkansas Comprehensive Testing, Assessment, and Accountability Program is dated June, 1999. Standards for Accreditation, Arkansas Public Schools is dated 1996. Both of these documents are on file at NCEO.

Focus

Arkansas Comprehensive Testing, Assessment, and Accountability Program (Arkansas Dept of Education)
Fourth, Sixth, and Eighth grade reading, writing, and math. High school algebra, geometry, and literacy.
Act 855 of 1999 (As stated in Arkansas Comprehensive Testing, Assessment, and Accountability Program)
Grade k-3 not performing at grade level in reading or writing literacy, or math.

Criteria

Arkansas Comprehensive Testing, Assessment, and Accountability Program
Act 999 of 1999 mandates "that all students in the public schools of this state demonstrate grade level proficiency through the application of knowledge and skills in the core academic subjects consistent with state curriculum frameworks, performance standards, and assessments."
Act 855 of 1999 further mandates that students in grades K-3 not performing at grade level during the regular school year shall participate in an ADE approved remediation program or a summer school remediation program to be eligible for promotion to the next grade.
Arkansas Code 6-15-404—The State Board of Education will establish expected levels of achievement on the Arkansas criterion-referenced exams.
Arkansas Comprehensive Testing, Assessment, and Accountability Program (Arkansas Department of Education)
The criterion-referenced exams will take place at the following grade levels:
Primary Benchmark——fourth grade (April)
Intermediate Benchmark———sixth grade (April)
Middle Level Benchmark———eighth grade (April)
End of Course-Algebra I————when completed
End of Course-Geometry———when completed
End of Course-Literacy————eleventh grade
Four levels of performance will be defined: Advanced, Proficient, Basic, and Below Basic. Performance levels for the Primary Benchmark have been defined, and are as follows: Advanced=250 and above, Proficient = 200-249, Basic = 155-199 for math, and 179-199 for literacy, Below Basic is 154 and below for math, and 178 and below for literacy. Performance levels for the other criterion-referenced exams have yet to be determined, but will be defined for the 1999-00 year for the Middle Level Benchmark, and for the 2001-02 year for the remaining exams.

Students with Disabilities

Arkansas Comprehensive Testing, Assessment and Accountability Program (Arkansas Department of Education)
Student's IEP must stipulate that the student may participate in the mandatory assessment either with or without accommodations. Those unable to participate will be referred to the Alternative Assessment program.
Special education students' assessment data will be analyzed and reported separately on the School Performance Report. (This report is used in developing School Improvement Plans).
Arkansas Code 6-15-419
"Any instance where a student with disabilities identified under IDEA has an IEP that already addresses any academic area or areas under which the student is not proficient on state-mandated criterion-referenced assessments, the IEP shall serve the requirements of an academic improvement plan".
Arkansas Standards for Accreditation, Arkansas Public Schools
"Students with special needs shall have equal access to programs that meet the criteria of their IEPs and shall receive services in the least restrictive environment that meets their needs".

Student Interventions

Arkansas Code 6-15-404 (b)
"Any student failing to achieve the established standard on the criterion-referenced exams shall be evaluated by school personnel, who shall jointly develop an academic improvement plan to assist the student in achieving the expected standard in subject areas where performance is deficient."

Arkansas Code 6-15-420
"In order for students to be academically prepared to achieve proficiency in reading and writing literacy and mathematics, the Department of Education shall require each public school serving students in K-4 to develop, select, and implement informal assessments linked to the Arkansas framework."
"Any student in K-1 failing to perform at the proficient level in reading and writing literacy or math shall be evaluated as early as possible within each of the K-1 academic years. Those student shall be evaluated by personnel with expertise in reading and writing literacy or math who shall develop and implement an academic improvement plan, using early intervention strategies sanctioned by the department to assist the student in achieving the expected standard."
"Any student in grades 2-4 failing to perform at the proficient level in reading and writing literacy or math shall be evaluated by personnel with expertise in reading and writing literacy or math who shall develop and implement an academic improvement plan."
Arkansas Comprehensive Testing, Assessment and Accountability Program (Arkansas Department of Education)
Students in grades 5, 7, and 10 will take norm-referenced tests early in the year and scores will be returned as early as possible to allow teachers to modify teaching strategies, which can then focus fully on increasing proficient student performance on the Arkansas standards.
The Arkansas Department of Education can mandate a specific intensive intervention plan which could include a mandated summer school program for students performing below grade level.

Link to School Improvement

Arkansas Code 6-15-404 (c) (1) (1, 2)
"Each school shall develop one comprehensive long-range school improvement plan focused on student achievement."
"Any school that fails to achieve expected levels of student performance on criterion-referenced tests, norm-referenced tests, and related indicators as defined in the Arkansas Comprehensive Testing, Assessment, and Accountability Program Act shall participate in a school improvement plan accepted by the department. This improvement plan shall assist those students performing below grade level to achieve the expected standard.
Arkansas Comprehensive Testing, Assessment and Accountability Program (Arkansas Department of Education)
"This process [developing a School Improvement Plan] requires that the intervention and remediation be research based and linked to proven practices."

Funding

Arkansas Code 6-20-1606
State funding is available for schools to develop school improvement plans.

Arkansas Comprehensive Testing, Assessment and Accountability Program (Arkansas Department of Education)
Cash awards may be awarded for schools with high performance and who show improvement on state-mandated and school selected indicators.

California

California Education Code can be found at http://www.leginfo.ca.gov/calaw.html
Other information was collected from the websites listed below.

Focus

Chapter 742, AB 1626, Statutes of 1998, Education Code Section 48070.5 (a, c)
Reading, between second and third grade, and between third and fourth grade.

English/Language arts, Reading, and Math, between fourth and fifth, between end of intermediate and beginning middle school, between end of middle school and beginning of high school.

Criteria

Chapter 742, AB 1626, Statutes of 1998, Education Code Section 48070.5 (a,c)
"The governing board of each school district and each county board of education shall approve a policy regarding the promotion and retention of pupils between the grades [described in focus section]".

Education Code Section 60648
"The superintendent of Public Instruction shall recommend and the State Board of Education shall adopt the levels of pupil performance for the achievement tests administered under the STAR program. These performance levels shall be the minimal levels required for satisfactory performance in the next grade".

Education Code Section 48070.5 (b)
-local policy that is approved shall identify pupils who should be retained and who are at risk of being retained in their current grades on the basis of **either** of the following:
1) results of STAR test and minimum levels recommended by State Board of Education
2)Pupil's grades and other indicators of academic achievement designated by the district.

Mariana Marin, Deputy Legislative Counsel www.cde.ca.gov/ppr/d.htm
She holds an opinion that according to what was mentioned above, a governing board of a school district and county board of education may adopt a policy that bases ID of pupils who should be retained solely on pupil's grades and other indicators of academic achievement and not on results of assessments.

Education Code Section 48070.5
Exceptions: Pupil shall be retained unless the pupil's regular classroom teacher specifies in writing that retention is not the appropriate intervention.
This written documentation shall specify the reason why retention is not appropriate, and recommendations for interventions other than retention that the teacher decides are necessary. If the intervention is contingent on pupil's participation in a remediation program, the pupil's academic performance shall be reassessed at end of program, and decision to retain or promote will be made at that time. The teacher's evaluation shall be provided to and discussed with the pupil's parent or guardian and the school principal before any final determination of pupil retention or promotion.
Local policy shall include process by which teacher decision to promote or retain can be appealed. Local policy shall provide that students at risk of being retained be identified as early in the school year as practicable. The policy shall provide for parental notification when a pupil has been identified to be at risk of retention. This district policy shall provide a parent or guardian the opportunity to consult with the teachers responsible for the decision to promote or retain.
Students may be retained in grades not specified in the focus section.

Letter to districts from State Superintendent of Public Instruction www.cde.ca.gov/ppr/memo.htm
"Your promotion and retention policy and standards based accountability system should complement each other."

CSBA Advisory: Student Promotion and Retention www.csba.org/PA/Advisories/stupromo.htm
CSBA believes second option (grades and other indicators) will facilitate more appropriate decisions about student retention. Suggests that other variables (such as parent involvement in the student's education) should be a factor in promotion decisions.

Students with Disabilities

Draft Guidelines for Promotion/Retention of Special Education Students www.cde.ca.gov/spbranch/sed/prmortnt.htm
IEP teams must have high expectations, and local governing board adopted standards apply to students with disabilities unless IEP team establishes individualized standards. The extent to which students with disabilities are expected to meet local board-adopted promotion standards should be based on the student's abilities, not on

the locations where services are provided. Students must have access to the core curriculum in order to meet the requirements of standards-based curriculum and assessment.
Grades: All students with disabilities should have grades that reflect the level of work they are capable of completing, consistent with IEP authorized accommodations and modifications to the core curriculum. No law prohibits high, low, or modified grades for students with disabilities, as long as those grades are available to all students. Identifying modified grades on a report card or transcript is permissible as long as the student's special education status is kept confidential. When both general and special education teachers provide instruction to a student with disabilities, it is strongly recommended that the teachers collaboratively give the student a single grade; site principals should determine which teacher is responsible for recording the grades.
If fail to meet board adopted, or IEP promotion standards, IEP team must reconvene to answer the following:
Is the current IEP for the student's academic, linguistic, social, emotional, and behavioral needs appropriate?
Is the manner of assessment, including any accommodations and modifications, identified in the IEP appropriate?
Were all the services required by the student to make progress in the general education curriculum appropriately identified in the student's IEP?
Did the student receive all of those services identified in the IEP?
Were the linguistic needs of English Language Learners appropriately identified?
Was the assessment conducted consistent with the IEP?
Was the student's promotion standard appropriate and clarified in the IEP?
If the answer to all of the questions is "yes", student is required to attend Intensive Instructional Program developed by local board (similar to that for regular education students). If don't attend, and don't meet board-adopted or IEP developed promotion standard by end of summer, will be retained. If answer "no", develop alternate plan, consider not retaining student because district did not provide necessary supports, and provide summer school option.
No student can participate in 2 programs at once (i.e. Extended School Year under IDEA and summer school program), but special education students are eligible to participate in the Intensive Instructional or Summer Program if they are at risk of being retained.

Student Interventions

Education Code Section 37252.5
"The governing board of each district maintaining any or all of grades 2-9 inclusive shall offer programs of direct, systematic, and intensive supplemental instruction to pupils enrolled in grades 2-9 who have been retained".
"Supplemental educational services shall be offered during the summer, after school, on Saturdays, during intersession, or in a combination of these ways."
"It is the intent of the Legislature that pupils who are at risk of failing to meet state adopted standards, or who are at risk of retention be identified as early in the school year, and as early in their school careers as possible."

Pupil Promotion and Retention Legislation www.cde.ca.gov/ppr/ii.htm
Describes intensive remedial program in reading or written expression offered pursuant to AB 1639.

Link to School Improvement

Contact Dcarlson@cde.ca.gov

Funding

CSBA Advisory: Student Promotion and Retention www.csba.org/PA/Advisories/stupromo.htm
SB 1370 allocates funds for additional instruction (summer, intersession, or other program). This instruction can be made mandatory, but parents can opt their students out. Students most at risk have priority for this funding, but students who are deficient may also participate. It increases summer school funding from 5% of total enrollment to 7%.

Pupil Promotion and Retention Legislation www.cde.ca.gov/ppr/ii.htm
Describes how funding for programs offered pursuant to AB 1639 is provided according to Education Code Section 37252.5.

Also offers information on how summer school is funded according to Education Code Section 42239.

Contact Person about Social Promotion for SWD:
Diana Blacmon, Consultant
California Dept of Education
Special Education Division
Focused Monitoring and Technical Assistance-Central Unit
515 L Street, Suite 270
Sacramento, CA 95814
dblackmo@cde.ca.gov.

Delaware

Delaware Code is located at: http://www.lexislawpublishing.com Then click on legal resources, and then "Delaware Code". Other information can be located at the websites provided in the table.

Focus

Delaware Code 14-153
8th grade math
Reading in grades listed below.

Delaware Department of Education (About the DSTP) www.doe.state.de.us/aab/DSTP_intro.html
Reading assessments are given in grades 3, 5, 8, and 10.

Criteria

Delaware Code 14-122 (4)
The Department shall determine the number of core classes a student must take and pass each year in order to advance to a higher level; the regulation shall at minimum require students in grades 1-8 to past 50% of all classes taken for credit (excluding Physical Education), and *must* pass English language arts (which includes ESL for LEP students *Delaware Dept of Education 200.7*)) or its equivalent each year.

Delaware Code 14-153
Department shall identify five levels of individual student performance relative to state content standards (grade level sufficiency, superior performance, approaches but does not demonstrate sufficiency, below grade level proficiency, far below grade level proficiency).
District must retain those below or far below in grade level proficiency on statewide assessment in reading; provided however, that the student may be promoted to next grade if demonstrate proficiency on the reading assessment or a department approved alternate assessment subsequent to participation in a summer remedial program, and prior to commencement of the next school year, or if student has been previously retained for two years because of inadequate academic performance. In year of retention, district will require student to pursue study designed specifically to improve student's reading ability. If continue to not be proficient, individual improvement plan will be developed in the second year.
If only approach, but don't meet proficiency, student is placed in summer school to remediate areas of weakness. District will develop academic improvement plan for student if after summer school the student does not demonstrate proficiency on Department of Education approved alternative.
For eighth grade math, if approach but don't meet grade level proficiency, same consequences as in reading.

District of Columbia

All information was collected from: http://www.k12.dc.us/
For policy (Section 2201.6, 2201.7, 2201.8), click on policies, then rulemakings, then:
"Final rulemaking to establish promotion and graduation guidelines for DC public school students."
Other information was found from a search of "promotion" at the http://www.k12.dc.us/ site, and was under the titles listed.

Focus

Section 2201.6
All grades, 1st through 11th, reading and math

Criteria

Section 2201.6, Elementary:
Any student who achieves at the basic level in reading and math as measured by Stanford 9 shall be automatically eligible for promotion.
Any student who scores within 90% of basic level on Stanford 9 exam in reading and math shall be eligible for promotion with classroom evidence documenting "basic" level of performance. Examples of classroom evidence include, but are not limited to performance on criterion referenced or teacher-made tests, the successful completion of supplemental assignments, and/or satisfactory grades.
Any student scoring below "basic" on Stanford 9 exam in reading and math and does not meet the 90% criteria set out in subsection "6", but does score within 75% of basic level in reading and math on Stanford 9 shall be eligible for promotion following his or her successful completion of summer school and classroom evidence of "basic" level of performance.
Any student who scores below 75% of "basic" in reading and math on Stanford 9 exam shall be required to attend summer school and shall not be eligible for promotion.
Any student who will turn 13 during the next school year shall be eligible for promotion from elementary school with transitional support provided at the middle school level.

Section 2201.7, Middle school
Students who successfully complete four subjects of English, math, science, and social students shall be eligible for promotion.
Any 8th grade student who scores below 90% of basic level in reading and math on Stanford 9 shall be required to attend summer school each year until his or her successful completion of the District Secondary Level Proficiency Exam (DSLPE) or attainment of the basic level in reading and math on the Stanford 9.
Any student who shall turn 16 during next school year shall be eligible for promotion from 8th grade with transitional support provided at the high school level and shall be required to attend summer school each year until he or she passes the DSPLE or scores at basic level in reading and math on Stanford 9.

Section 2201.8
Promotion in grade 9 is based on students earning 5 Carnegie Units including units in 9th grade English, DC History and government, and health and physical education.
Any student who earns 10 Carnegie unites, including 10th grade English shall be eligible for promotion to 11th grade.
15 Carnegie unites required to be eligible for promotion from 11th to 12th grade, including 11th grade English.

Most Commonly Asked Questions
http://www.k12.dc.us/site
The SAT 9 exam is a principal factor but not the only criteria. All promotion decisions will be made at the school site using input from teachers and principals and evidence of satisfactory classroom work.
Initial notification to parents of students in danger of non-promotion is made in February. Final decision regarding non-promotion made in early June.

Students with Disabilities

Sections 2201.6, 2201.7, 2201.8
Any non-English speaking student or disabled student who is meeting goals of his or her IEP or learning plan shall be eligible for promotion.

Student Interventions

Section 2201 as listed above
Summer school

Most Commonly Asked Questions
Supports in place include before and after school tutoring, content standards in reading and math, professional development of teachers and principals in implementation of standards, summer STARS program.
Non-promoted students in elementary school will be first on the list to receive services from reading resource teachers.
DC Public School's Superintendent Moderates Roundtable Discussion on Social Promotion with Secretary of Education Richard Riley
The superintendent continues her educational reform agenda with a second year of summer STARS (Students and Teachers Achieving Results and Success), the completion of a winter school complement to the summer school called Saturday STARS, increased after school tutorial programs, the creation of 90 minute reading blocks, and the establishment of benchmarks tied to curriculum and performance standards.

Florida

Florida Law can be found at http://www.leg.state.fl.us/citizen/documents/statutes/index.html. Other information was previously found at the websites listed,and a hard copy is on file at NCEO.

Focus

Section 229.57 (Florida Statutes and Amendments to that section)
Grades 3-10, different subjects in different grades, as described in criteria section.
Section 232.245 (Pupil progression; remedial instruction, reporting requirements)
Intensive reading instruction is provided for students in grades 1 and 2 following identification of a reading deficiency.

Criteria

Section 232.245
Each district school board shall establish a comprehensive program for pupil progression which must include:
(a) Standards for evaluating each pupil's performance, including how well he or she masters the performance standards approved by the state board according to s. 229.565; and
(b) Specific levels of performance in reading, writing, science, and math for each grade level, including the levels of performance on statewide assessments as defined by the Commissioner of Education, below which a student must receive remediation or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style. No student may be assigned to a grade level based solely on age or other factors that constitute social promotion.

State board shall adopt rules to prescribe limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by district's pupil progression plan.
A district must consider an appropriate alternative placement for a student who has been retained for two or more years.
Student must be retained if a reading deficiency is not remedied by the end of grade four, and if the student scores below a specific level of performance on state test in reading. A local school board may exempt a student from mandatory retention for good cause.
District must report to parent or legal guardian the progress of the student towards achieving state and district expectations.

Florida Department of Education summary of 232.45 (found at back of letter from David Mosrie to district school superintendents)
http://www.firn.edu/doe/doehome.htm
"Any student failing to attain the specified district or state levels of performance for pupil progression on designated district assessments in reading, writing, or math must receive remediation or be retained. This evaluation of progress must be based on the student's classroom work, observations, tests, district and state assessments, and other relevant information, as provided in section 232, 245 (5), F.S. If a student is retained, it must be in a program different from the previous year's program. The new program must take into account the student's learning style."

Department of Education (memo from David Mosrie to District School Superintendants)
http://www.firn.edu/doe/doehome.htm
Dept of Education has determined that the following options for remediation and retention are available:
1) remediate before beginning of next school year and promote
2) promote and remediate during following year with more intensive intervention and remediation strategies specified in a revised Academic Improvement Plan
3) retain and remediate in a different program.
District is responsible for determining when a student's deficiencies have been remediated.
Commissioner of Education will determine the acceptable levels of performance for pupil progression. For 1999/2000, if score at any of the following levels, will have to receive remediation or be retained, as determined by district pupil progression plan:
If score at achievement level one on FCAT SSS test with performance tasks in reading at grades 4, 8, 10 or in math at grades 5, 8, 10.
If score lower than three on FCAT writing tests in grades 4, 8, or 10.
If have national percentile rank score below 25% on FCAT norm-referenced tests in reading comprehension or math problem-solving at grades 3-10.
For all of the above, retention must be based on more than a single test score.
Students who have been identified as having reading deficiencies in grades 1, 2, 3 and who have received remediation but score at achievement level one on grade 4 FCAT SSS tests with performance tasks and who have a national percentile rank score below 25 %ile on FCAT norm-referenced tests in reading comprehension must be retained, unless school board exempts student for good cause.
Science will be added to these criteria in 2003.
Students' classroom work, observations, tests, district and other assessments and relevant information may be used to confirm the results of these assessments in determining if student must be remediated or retained.

Question and Answer Technical Assistance Paper, DPS Memo 00-015 (stapled to David Mosrie letter)
http://www.firn.edu/doe/doehome.htm
At grade levels where no state assessments are administered, school districts must continue to establish and assess levels of performance for pupil progression using district selected assessments (classroom work, observations, tests, other relevant information).
Student may be promoted if he or she fails to meet the levels of performance for pupil progression on state assessment test if other standardized and local assessments show the student has met levels of performance for pupil progression and this evidence is well-documented.
Districts may establish levels of performance for pupil progression higher than the state standards.

Students with Disabilities

Section 232.245
State board rules for promotion shall specifically address the limited circumstances in which a student may be promoted without meeting the specific assessment performance levels prescribed by district's pupil progression plan. Such rules shall specifically address the promotion of students with limited English proficiency and students with disabilities".

CS/HBS 751, Section 3, http://www.firn.edu/doe/bin00041/summ.htm
Pilot scholarship program for students with disabilities in Sarasota school district. This provides scholarships to public/private school of choice for students whose academic progress in at least 2 areas has not met expected levels for the previous year as determined by IEP (doesn't affect state/district eligibility for federal funds for students with disabilities).

Student Interventions

Section 232.245 Pupil progression; remedial instruction, reporting requirements
Each student who does not meet specific levels of performance as determined by the district school board in reading, writing, science, and math for each grade level, or who does not meet specific levels of performance as determined by the Commissioner of Education on statewide assessments at selected grade levels must be provided with additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need.
The school must develop, in consultation with the student's parent or legal guardian, and must implement an

academic improvement plan designed to help the student meet state and district levels of proficiency. Each plan must include the provision of intensive remedial instruction in the areas of weakness.
Upon subsequent evaluation, if the documented deficiency has not been corrected in accordance with academic improvement plan, the student may be retained. Each student that does not meet minimum performance expectations in reading, writing, science, and math must continue remedial or supplemental instruction until the expectations are met or student graduates from high school or is not subject to compulsory school attendance.
Intensive reading instruction is provided for students in grades 1 and 2 following identification of a reading deficiency. If the reading deficiency is not remedied by the end of grade four, and if student scores below specific level of performance on state test in reading, the student must be retained.

CS/HBS 751, Section 16, http://www.firn.edu/doe/bin00041/summ.htm
Students not meeting performance levels necessary for promotion must receive remediation or be retained within an intensive program that is different from the previous year's program and takes into account the student's learning style.

CS/HBS 751, Section 22, http://www.firn.edu/doe/bin00041/summ.htm
"Supplemental instruction strategies may include, but are not limited to modified curriculum, reading instruction, after school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement."

CS/HBS, Section 65
Students who have been retained (as well as many others) are eligible to participate in a Drop-Out Prevention and Academic Intervention Act. The cap on students able to participate in the Drop-Out Prevention has been removed.

Link to School Improvement

Section 229.0535
State board of education has the responsibility to develop a system of school improvement and accountability that assesses student achievement by school, identifies schools that are not making adequate progress toward state standards, institutes appropriate measures for enforcing improvement, and provides rewards/sanctions based on performance.
State board is authorized to recommend one of the following actions to schools that have a performance category of "F":
-provide additional resources, change certain practices, and provide additional assistance if the state board determines that the cause of inadequate progress is due to school district policy or practice
-implement a plan that satisfactorily resolves education equity problems in the school.
-contract for the educational services of the school, or reorganize the school under a new principal.
-allow parents in school to send their children to another school district of choice.
-other actions appropriate to improve school performance.

CS/HBS 751, Section 2, http://www.firn.edu/doe/bin00041/summ.htm.
Opportunity Scholarship Program-students may take their money and go anywhere if school has 2 years of F ratings in a 4 year period.

CS/HBS 751, Section 7, http://www.firn.edu/doe/bin00041/summ/htm
Section 229.57 is amended to use growth and gain data for school accountability and recognition, to determine student readiness for promotion to the next grade or high school exit, and to compare Florida students to student performance in other states.

Funding

Section 232.245
The Department of Education shall provide technical assistance as needed to aid school districts in administration of this section.

Section 236.08104
Supplemental Academic Instruction Funding (Categorical fund) is used only to provide supplemental academic instruction to students enrolled in a K-12 program. These supplemental strategies may include, but are not limited to modified curriculum, reading instruction, after school instruction, tutoring, mentoring, class size reduction, extended school year, intensive skills development in summer school, and other methods for improving student achievement.
Each school receiving funds from this fund shall submit to the Department of Education a plan which identifies the students to be served and the scope of supplemental instruction to be provided. Districts must submit information documenting district's progress in a variety of areas, including the retention/promotion rate.

Illinois

Illinois Law can be found at http://www.legis.state.il.us/ilcs/chapterlist.html

Focus

105 ILCS 5/2-3.64 State goals and assessment
3rd and 5th grade reading, writing, and math

Criteria

105 ILCS 5/2-3.64 State goals and assessment
State assessment will identify pupils in the 3rd or 5th grade who do not meet state standards.
If performance on state assessment, local assessment, or by teacher judgement determines that students' performance is two or more grades below current placement, student shall be provided a remediation program developed by district in consultation with a parent or guardian.

105 ILCS 5/2-3.64
Remediation may include retention.

Students with Disabilities

105 ILCS 5/2-3.64 State goals and assessment
Every IEP as described in Article 14 shall identify if the state test or components thereof are appropriate for that student.
For students whom state test or components thereof are NOT appropriate, state board of education shall develop rules and regulations governing the administration of alternative assessments.

Student Interventions

105 ILCS 5/2-3.64 State goals and assessment
If performance on state assessment or by teacher judgement determines that students' performance is two or more grades below current placement, student shall be provided a remediation program developed by district in consultation with a parent or guardian.
Remediation shall include but not be limited to:
increased or concentrated instructional time, summer school program of not less than 90 hours, improved instructional approaches, tutorial sessions, retention in grades, modification to instructional approaches.
To assist school districts in assessing pupil proficiency in reading in primary grades, State Board will make optional reading inventories for diagnostic purposes available to school districts that make the request.
If administer these tests, the district may develop remediation programs for students who score in bottom half of the student population.

Link to School Improvement

105 ILCS 5/2-3.64 State goals and assessment
Each district's school improvement plan must address specific activities the district needs to implement to assist pupils who by teacher judgement and assessment results demonstrate they are not meeting state goals or local objectives. Such activities may include, but are not limited to: summer school, extended school day, special

homework, tutorial sessions, modified instructional materials, other modifications in instructional program, reduced class size or retention in grade.

105 ILCS 5/2-3.25a
The state board of education shall develop recognition standards for student performance and school improvement. Among the indicators to assess shall be retention rates.

Funding

105 ILCS 5/2-3.64 State goals and assessment
State shall be responsible for providing school districts with the new and additional funding under Section 2-3.51.5 [1105 ILCS 5/2-3.51.5] or by other additional means to provide remediation.

105 ILCS 5/2-3.64 State goals and assessment
Optional tests used to diagnose reading deficiencies and remediation programs developed on the basis of these diagnoses are funded by moneys provided under the School Safety and Educational Improvement Block Grant program.

Louisiana

All information is from the Guidelines for Pupil Progression 1999, Bulletin 1566, Louisiana Department of Education. This document is on file at NCEO.

Focus

Amended and reenacted R.S. 17:24.4 (F, G)
Fourth and Eighth grade English/Language Arts and Math

Criteria

Act 750
"Each city and parish school board shall appoint a committee which shall be representative of the parents of the school district under the authority of such school board. Such committees shall participate and have input in the development of the Pupil Progression Plan."

Guidelines for Pupil Progression 1999, Bulletin 1566
Once plan is adopted it will be submitted to SBESE (State Board of Elementary and Secondary Education).
Once it is approved by SBESE, policies of plan shall be incorporated into manual of local school board. Plan must be submitted annually to office of student and school performance for review by LDE.
Teacher determines promotion or placement of each student.
Each plan must include:
1. School attendance requirements.
2. Course requirements
3. Other applicable requirements
4. No fourth or eighth grade student shall be promoted if score at "Unsatisfactory" level on English language arts or mathematics components of LEAP 21. This may be overridden by School Building Level Committee only under the following conditions:
1. Student scores at the "unsatisfactory" level in English/Language arts or math, and at the "proficient" in other
2. If student with disabilities has participated in alternate assessment
3. For 1999-2000 year only, if a given student had been formerly classified as Alternative to Regular Placement during the 1997-98 school year and if that student has participated in summer programs and retesting.
According to High Stakes Testing Policy, the override can only happen if student has participated in the summer school and retest offered by LEA. Also, school system, through superintendent may apply for an appeal on behalf of an individual student provided that certain outlined criteria are met (see high stakes testing policy).
Retest will be offered at conclusion of LEAP 21 summer school. Students may not be promoted until pass this (except for three exceptions noted).
Local school board may also establish local criteria to be used in determining student placement, but must be compatible with above criteria.

Limits to the retention policies are as follows:
A fourth-grade student who is 12 years on or before Sep 30 must be placed in alternate setting or program if fail to score above "unsatisfactory". Likewise, a eighth grade student 16 years on or before Sep 30 (and still not scoring above "unsatisfactory" must be enrolled in alternate setting.

Students with Disabilities

Guidelines for Pupil Progression
"Local School Board policies relative to pupil progression will apply to students placed in regular education programs as well as to exceptional students and students placed in alternative programs."
Exceptional students participating in LEAP 21 must be provided with significant accommodations noted in the students IEP.
Exceptional students with Alternate assessment need to meet following requirements for promotion:
1. attendance required according to Bulletin 741
2. complete 70% of annual goals
3. transition planning, if noted on IEP has been addressed by student and documented by teacher
4. Student participated in alternate assessment

R.S. 17:397
Any student (including exceptional student participating in LEAP 21) who does not meet standards as measured by state criterion-referenced tests shall be provided remedial education.
Failure of special education students to achieve performance standards on state criterion referenced tests does not qualify such students for special education extended school year programs.

Student Interventions

Summer school for those scoring at the "Unsatisfactory" level in English or math.
Remediation for those who score at the "Unsatisfactory" level in Science or Social Studies.
Remediation is recommended for those who score at the "Approaching Basic" level in English, Math, Science, or Social Studies.

Link to School Improvement

If the department determines that a city or parish board is not actually providing a type of remedial education that was approved through it's Pupil Progression Plan, or that it is not complying with state regulations, the department shall recommend appropriate action.
There is to be an annual evaluation of remedial education programs of each local school system by the state superintendent.

Funding

Remedial Education funds shall be appropriated annually within the Minimum Foundation Program formula. This formula outlines how funds shall be distributed. These funds shall not supplant other funds being used for such students.
The department shall provide technical assistance to school boards to develop remediation section of the Pupil Progression Plan.

Nevada

Nevada Law can be found at http://www.leg.state.nv.us/law1.htm

Focus

Grade 4, 8, and 10 Reading, Math, and Science.

Criteria

Nevada Administrative Code (NAC) 392.033
State board shall adopt regulations which prescribe the courses of study required for promotion to high school, which may include credits to be earned.

Board of trustees of a school district shall not promote a pupil to high school if the pupil does not complete the course of study or credits required for promotion.

Nevada Revised Statutes (NRS) 392.125
Pupil's teacher and principal in joint agreement have the final authority to retain a pupil in the same grade for the succeeding school year.
Pupil can not be retained more than one time in same grade.

NRS 389.015
State board shall prescribe standard examinations for grades 4, 8, and 10 in reading, math, and science.
If pupil fails to demonstrate at least adequate achievement on exam administered before completion of grade 4, 8, or 10 he may be promoted to next higher grade but results of his exam must be evaluated to determine what remedial study is appropriate.

NAC 389.455
Student must earn following units of credit during the seventh and eighth grades for promotion to high school:
1.5 units of credit in language with a grade of C or better.
1.5 units of credit in math with a grade of C or better.

NRS 389.015
Board of trustees of each school district shall prescribe a minimum number of days that a pupil must be in attendance for the pupil to be promoted to the next higher grade.

North Carolina

Almost all information is from the following website : http://www.dpi.state.nc.us/student_promotion/draft_standards.html
Other information can be found at the websites given in the table.

Focus

Grade 3 math and reading, Grade 5 and 8 math, reading, and writing.

Criteria

Gateway 1
In addition to meeting local promotion requirements, students in grade 3 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Students scoring at Level III or above and meeting all local promotion requirements shall be promoted to grade 4 unless determined otherwise by the school principal, in consultation with teachers. The effective date is 2001-2002.
Gateway 2
In addition to meeting local promotion requirements, students in grade 5 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 4 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 4 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher shall use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 6. Effective date is 2000-01.
Gateway 3
In addition to meeting local promotion requirements, students in grade 8 shall demonstrate proficiency by having test scores at Level III or above on end-of-grade tests in both reading and mathematics. Additionally, the grade 7 writing assessment shall be used as a screen to determine whether students are making adequate progress in developing writing skills. If a student has not scored at or above proficiency level 2.5 on the grade 7 writing assessment, the school shall provide intervention and assistance to develop writing skills. The principal and teacher shall use locally developed and scored writing samples during grade 5 to determine if students have made adequate progress in order to be promoted to grade 9. Effective date is 2001-02.
Students scoring below Level III may be given second and third tests in order to meet promotion requirement.

Teachers or parents can request a promotion for kids not meeting the criteria if they provide documentation of students performance during a review process (based on student work samples, test data, information supplied by parents).
Promotion or retention decisions shall be made according to local policy and discretion, but shall include statewide student accountability standards at grades 3, 5, 8, and high school.
A committee will be appointed to review student waiver requests. This committee is composed of teachers and a principal from another school. They shall make recommendations to the student's principal about whether the student should be promoted to the next grade. This recommendation is based on documentation presented by teachers on behalf of the students.
Parents of any student being presented for review may attend meetings of this committee, but are non-voting participants.

http://www.dpinet.dpi.state.nc.us (Policy ID #HAS-N-006)
"Local policy should include notification and involvement of parents and agreement of parental expectations signed by parents and guardians."

www.dpi.state.nc.us/student_promotion/faq.html
Local board determines how long a student may be retained.

Students with Disabilities

Students with disabilities may be exempted from statewide student accountability promotion standards by the IEP team including the principal or school district representative if it is determined by the team that the students do not have ability to participate in the state standard course of study. However, they shall be enrolled in a functional curriculum and demonstrate acceptable outcomes on alternate assessments.
All interventions/remediation and other opportunities, benefits, and resources that are made available to students without disabilities shall be made available to students with disabilities who participate in the student promotion standards. All services offered are in addition to the special education services provided to the student.
Special education personnel shall be on the waiver committee if special education student promotion is being considered.

http://www.dpi.state.nc.us/sbehighlights/mar99highlights.html
The Exceptional Children's Division of DPI reported receiving many contacts from parents and advocates who are concerned with promotion standards for students with disabilities. The State Advisory Council on Children with Disabilities has met twice to discuss the standards, and Board members heard a summary of the many issues discussed by this Council. The list included 19 separate items ranging from the appropriate use of IEP teams in making retention or promotion decisions, the appeals process for high school students, the need for supports to help students, and teacher training.

Student Interventions

North Carolina Public Schools Infoweb: http://www.dpi.state.nc.us/student_promotion/faq.html
Students not promoted after second or third test administration will be given intervention that may include alternative learning models, special homework, smaller classes, tutorial sessions, extended school day, Saturday school, modified instructional programs, parental involvement, summer school, or retention.
Personalized education plans including diagnostic evaluation, intervention monitoring strategies will be developed for students who fail to meet the standards but are promoted as a result of a review process.

Link to School Improvement

www.dpi.state.nc.us/student_promotion/glance.htm
Superintendents and local boards of education will provide leadership ensuring that all educators, students, parents, and other stakeholders understand and participate in implementing the student accountability standards.

http://www.dpi.state.nc.us/student_promotion/faq.html
Regional trainers, summer sessions, and other staff development procedures will be used to prepare teachers for the new standards.

http://www.dpi.state.nc.us/student_promotion/draft_standards.html
Local boards of education must report the number and percentage of students that did not score at Level 3 and were promoted.

Funding

http://www.dpi.state.nc.us/student_promotion/faq.html
State Board of Education is asking for $54 million in its biennium budget request for the 1999-2001 session of the General Assembly to fund local districts in ensuring that third graders reach proficiency requirements. Department of Public Instruction is looking for other state funds that could be redirected for intervention at the local level.

Ohio

Ohio law can be found at: http://www.orc.avv.com/title-33/home.htm

Focus

Ohio Revised Code, Section 3313.608, Amended Sub S.B. 55
Reading, 4th grade

Ohio Revised Code Section 3301.0710
Statewide proficiency tests in fourth, sixth, and tenth grade reading, writing, math, science, and citizenship.

Section 3313.608
Annual assessment at end of first, second, and third grades to identify students reading below their grade level, and provide intervention for them. Teachers are involved in this identification and assessment process.

Criteria

Ohio Revised Code Section 3313.608
Beginning with students who enter fourth grade in the school year that starts July 1, 2001, no city, exempted village, or local school district shall promote to fifth grade any student who fails to attain the score designated under division (A) (1) of section 3301.0710 of the Revised Code on the test prescribed under that division to measure skill in reading unless: the pupil was excused from taking the test; the pupil's principal and reading teacher agree that the pupil is academically prepared to be promoted to fifth grade.

Ohio Revised Code 3313.609
The board of education of each city, exempted village, local and joint vocational school district shall adopt a grade promotion and retention policy for students. The policy shall prohibit the promotion of a student to the next grade level if the student has been truant for more than 10% of the required attendance days of the current school year and has failed two or more of the required curriculum subject areas in the current grade unless the student's principal and the teachers of any failed subject areas agree that the student is academically prepared to be promoted to the next grade level.

Ohio Revised Code 3301.0711
Except for [promotion to 5th grade], no school district board of education shall permit any student to be denied promotion to a higher grade level solely because of the student's failure to attain a specified score on any test administered under this section.
Notwithstanding division (E) (statement above), a school district may retain any student for an additional year in such student's current grade level if such a student has failed to attain the designated scores on three or more of the five tests described in section 3301.0710.

Students with Disabilities

Section 3301.0711
Any student receiving special education services under chapter 3323 of Revised Code shall be excused from

taking any particular test required to be administered under this section if the IEP developed for the student excuses the student from taking the test.
Board of education of any school district shall provide intervention services to the student in any skill in which student failed on those tests to demonstrate at least 4th grade levels of literacy and basic competency. This division does not apply to any student receiving services pursuant to an IEP developed for the student pursuant to section 3323. 08 of the Revised Code.

Student Interventions

Section 3313.608
Annual assessment at end of first, second, and third grades to identify students reading below their grade level, and provide intervention for them. Teachers are involved in this identification and assessment process.
Intense remediation during the summer following 3rd grade for those reading below grade level at end of 3rd grade. Same for 4th grade reading.
Remediation for 4th and 6th grade students who fail to attain designated grade level proficiency scores on statewide assessments in 3 or more of the subjects (given in focus section).
Parent or guardian shall be involved in developing the intervention strategy for those requiring remediation, and will be offered the opportunity to be involved in the intervention services.

Link to School Improvement

Section 3302.02
State performance standards for school districts are based on percentages of students meeting proficiency requirements.

Section 3302.04
School district is required to develop a three year continuous improvement plan identifying strategies it will use and resources it will allocate to address the problem.

South Carolina

http://www.lpitr.state.sc.us/code/titl59.htm

Focus

Section 59-5-65
Grades 1,2,3, 6, 8 reading, math

Criteria

Section 59-5-65
State Board of Education establishes criteria for promotion of student to higher grade.
Student's performance on Basic Skills test of reading shall constitute 25% of assessment of his or her achievement in reading and same for math.
State Board of Education shall specify other measures of student performance in each of these subjects which shall constitute the remaining 75 % of the student's assessment.
Any student who fails to meet the criteria must be retained in current grade or assigned to a remedial program in the summer or in the next year. Students assigned to remedial program must meet minimum criteria established by Board of Education for his or her current grade at end of remedial program to be promoted to next higher grade.
(For more information see Student Intervention Section.)

Students with Disabilities

Section 59-5-65
All handicapped students are subject to the provisions of this section unless the student's IEP defines alternative goals and promotion standards.

Student Interventions

Section 59-5-65
summer remedial program

Section 59-5-65
(A) Beginning in 1998-99 and annually thereafter, at the beginning of each school year, the school must notify the parents of the need for a conference for each student in grades three through eight who lacks the skills to perform at his current grade level based on assessment results, school work, or teacher judgment. At the conference, the student, parent, and appropriate school personnel will discuss the steps needed to ensure student success at the next grade level. An academic plan will be developed to outline additional services the school and district will provide and the actions the student and the parents will undertake to further student success.
(B) The participants in the conference will sign off on the academic plan, including any requirement for summer school attendance. Should a parent, after attempts by the school to schedule the conference at their convenience, not attend the conference, the school will appoint a school mentor, either a teacher or adult volunteer, to work with the student and advocate for services. A copy of the academic plan will be sent to the parents by certified mail.
(C) At the end of the school year, the student's performance will be reviewed by appropriate school personnel. If the student's work has not been at grade level or if the terms of the academic plan have not been met, the student may be retained or he may be required to attend summer school for promotion. If there is a compelling reason why the student should not be required to attend summer school or be retained, the parent or student may appeal to a district review panel.
(D) At the end of summer school, a district panel will review the student's progress and report to the parents whether the student's academic progress indicates readiness to achieve grade level standards for the next grade. If the student is not at grade level or the student's assessment results show standards are not met, the student will be placed on academic probation. A conference of the student, parents, and appropriate school personnel will revise the academic plan to address academic difficulties. At the conference it must be stipulated that academic probation means if either school work is not up to grade level or if assessment results again show standards are not met, the student will be retained. The district's appeals process remains in effect.
(E) Each district board of trustees will establish policies on academic conferences, individual student academic plans, and district level reviews. Information on these policies must be given to every student and parent. Each district is to monitor the implementation of academic plans as a part of the local accountability plan. Districts are to use Act 135 of 1993 academic assistance funds to carry out academic plans, including required summer school attendance. Districts' policies regarding retention of students in grades one and two remain in effect.

Link to School Improvement

Section 59-5-65
(F) The State Board of Education, working with the Oversight Committee, will establish guidelines until regulations are promulgated to carry out this section. The State Board of Education, working with the Accountability Division, will promulgate regulations requiring the reporting of the number of students retained at each grade level, the number of students on probation, number of students retained after being on probation, and number of students removed from probation. This data will be used as a performance indicator for accountability.

Funding

Section 59-5-65
Districts are to use Act 135 of 1993 academic assistance funds to carry out academic plans, including required summer school attendance.

Texas

Texas Law can be found at www.tea.state.tx.us/. Other information can be found at the websites listed.

Focus

http://www.tea.state.tx.us/brief/index.html, (then scroll down to social promotion and click on SB4)
Reading at grade 3, reading and mathematics at grade 5, and reading and mathematics at grade 8.

Criteria

Section 28.021
"A student may be promoted only on the basis of academic achievement or demonstrated proficiency of the subject matter of the course or grade level."

Section 29.082 Optional Extended Year Program
"A school district that provides a program under this section shall adopt a policy designed to lead to immediate reduction and ultimate elimination of student retention."

Section 29.082 Optional Extended Year Program
School district may develop an extended year program for a period not to exceed 30 instructional days for students in K-8 who are identified as not being likely to be promoted to the next grade level for the succeeding year. A student who attends at least 90% of the program days under this section and who satisfies the requirements for promotion under section 28.021 shall be promoted unless parent presents written request that student not be promoted.
If a parent requests that the student NOT be promoted, as soon as practicable after receiving the request from a parent, the principal shall hold a formal meeting with the student's parent, extended year program teacher, and counselor. During the meeting, the principal, teacher, or counselor shall explain the longitudinal statistics on the academic performance of students who are not promoted to the next grade level and provide information on the effect of retention on a student's self-esteem and on the likelihood of student dropping out of school. After the meeting, the parent may withdraw the request that the student not be promoted to the next grade level. If the parent of a student eligible for promotion under this subsection withdraws the request, the student shall be promoted. If a student is promoted under this subsection, the school district shall continue to use innovative practices to ensure that the student is successful in school in succeeding years.

http://www.tea.state.tx.us/brief/index.html Then scroll down to social promotion and click on SB4
The bill stipulates that students in grades 3, 5, and 8 who do not perform satisfactorily on certain state-required tests may not be promoted to the next grade. SB 4 requires school districts to provide at least two additional opportunities to retest before the start of the next school year for students who initially fail the specified tests. The bill also allows districts to administer an alternate assessment instrument after students fail a second time. The alternate assessment instruments must be approved by the commissioner, and the student may be promoted if the student performs on grade level on the alternative test.
For a student who fails a second time, districts are required to establish a grade placement committee for the student. The grade placement committee consists of the principal or designee, the student's parent or guardian, and the teacher of the subject area failed by the student. SB b4 sets out the notification requirements that districts must follow regarding the grade placement committee process and the promotion/retention decisions. As part of those requirements, districts must notify the parent or guardian of the time, place, and purpose of the committee. In addition, the district must notify the student's parent or guardian about the student's failure to pass the stipulated tests, the student's assignment to an accelerated instructional program, and the possibility that the student may be retained in the same grade level. SB 4 charges the grade placement committee with prescribing the accelerated instruction that the district will provide the student before the statewide assessment is administered a third time. If the student fails at least three attempts, the student is retained at the same grade level. The parent or guardian may appeal this retention to the student's grade placement committee, which may decide to promote the student if, under local board standards, it is likely the student will perform at grade level given accelerated instruction upon promotion.
The final decision of this committee cannot be appealed. SB 4 will affect students who begin kindergarten in the fall 1999 and are in grade 3 beginning with the 2002-2003 school year. These students will take the grade 5 assessments in 2004-2005 and the grade 8 assessments in 2007-2008.

Students with Disabilities

Chapter 28.021
"In measuring the academic achievement or proficiency of a student who is dyslexic, the student's potential for achievement or proficiency in the area must be considered."

http://www.tea.state.tx.us/brief/index.html (then scroll down to social promotion and click on SB4)
SB 4 provides that admission, review, and dismissal (ARD) committees will determine the manner of participation in accelerated instruction programs of special education student who do not perform satisfactorily on one or more of the specified assessment instruments or on the alternative special education assessment. ARD committees will also make decisions about promotion/retention of these special education students.

Student Interventions

Chapter 29.081
Each school shall use the student performance data resulting from the basic skills assessment instruments and achievement tests administered under Subchapter B, Chapter 39, to design and implement appropriate compensatory or accelerated instructional services for students in the districts schools.
Districts shall provide accelerated instruction to a student enrolled in the district who has taken the secondary exit-level assessment and has not performed satisfactorily on each section or who is at risk of dropping out of school. Students at risk of dropping out of school include those not advanced from one grade level to the next for two or more school years, those whose math and reading skills are two or more years below grade level, and other students. A school district may use a private or public community-based drop-out recovery education program to provide alternative education programs for students at risk of dropping out of school.

Section 39.024
Intensive program of instruction for students who do not perform satisfactorily on an assessment instrument administered under this subchapter. This intensive program shall be designed to enable the students to be performing at grade level at the conclusion of the next regular school term. The intensive program for students who did not perform satisfactorily on an assessment instrument shall be designed by each student's admission, review, and dismissal committee to enable the student to attain a standard of annual growth on the basis of the student's individualized education program.

http://www.tea.state.tx.us/brief/index.html (then scroll down to social promotion and click on SB4)
School districts are required to provide accelerated instruction in the subject area failed after each test administration. SB 4 specified that an accelerated instruction group may not have a ratio of more than 10 students for each teacher. The district is responsible for providing the accelerated instruction established by the grade placement committee regardless of the promotion/retention decision.

Link to School Improvement

Section 29.083
"The agency shall collect data from the school districts through the Public Education Information Management System relating to grade level retention of students."

http://www.tea.state.tx.us/brief/index.html (then scroll down to social promotion and click on SB4)
SB 4 adds indicators to the school accountability system that address the requirements of the student success initiative such as the number of students provided accelerated instruction, the number of students promoted by grade placement committees, and subsequent performance on the state-required tests.

Funding

Chapter 29.081
"The commission shall include students in attendance in a program under Subsection (e) (dropout recovery program) in the computation of district's average daily attendance for funding purposes."

Section 29.082
"A school district may set aside an amount from the district's allotment under Section 42.152 or may apply to the agency for funding of an extended year program. . ."

Virginia

Virginia law can be found at http://www.vipnet.org/vipnet/government/code-of-virginia.html.
Other information can be found at websites listed in the table.

Focus

8 VAC 20-131-30
Grades 3, 5, 8

http://www.pen.k12.va.us/VDOE/PolicyPub/EduReform
Virginia's K-12 Education Reform: Raising Student Achievement in Virginia, Executive Summary, (Infopac 1)
Areas: Math, English (which includes reading and writing), Science, History, and Social Science

Criteria

8 VAC 20-131-30
"Each student should learn the relevant grade level subject matter before promotion to next grade. For grades in which the SOL tests are given, achievement of a passing score on the SOL tests shall be considered in promotion/retention policies adopted by the local school board."
"Each state at grades 3, 5, 8 shall take and be expected to achieve a passing score on the SOL tests for the student's respective grade. Schools shall use the SOL test results as part of a multiple set of criteria for determining advancing or retaining students in grades 3, 5, and 8."
"No promotion/retention policy shall be written in a manner to exclude students from membership in a grade or participation in a course in which SOL tests are to be administered."

8 VAC 20-131-40
Students shall also pass the literacy tests prescribed by the Board of Education in reading, writing, and math in order to be promoted to ninth grade.

Students with Disabilities

8 VAC 20-131-30
Achievement expectations and participation in SOL testing of students with disabilities will be guided by provisions of their IEP or 504 plan.
Students with disabilities for whom participation in the SOL testing program is deemed inappropriate according to their IEP or 504 plan and who can't participate in the SOL tests shall be expected to demonstrate proficiency on an alternative assessment prescribed by the Board in accordance with federal laws and regulations beginning with school year 2000-01.

8 VAC 20-131-40
Passing literacy tests needed for promotion to ninth grade "except for students with disabilities who are progressing according to the objectives of their IEP or 504 plan".

Virginia's K-12 Education Reform , Frequently Asked Questions, http://www.pen.k12.va.us/VDOE/PolicyPub/EduReform
Students with disabilities who are part of the SOL testing program as specified in their IEPs or 504 plans may take the tests with accommodations as outlined in those plans.

Student Interventions

Virginia's K-12 Education Reform: Frequently Asked Questions, http://www.pen.k12.va.us/VDOE/PolicyPub/EduReform
Early Intervention Reading Initiative for diagnosis of reading problems in k-1st grade students, combined with provision of intervention services statewide.
8 VAC 20-131-40
Students who are not promoted shall be enrolled in alternative programs leading to one or more of the following: passing the literacy tests, high school graduation, GED certificate, Certificate of Program Completion, and job entry skills.

Link to School Improvement

Virginia's Educational Reform: Frequently Asked Questions, and Raising Student Achievement
http://www.pen.k12.va.us/VDOE/PolicyPub/EduReform
School accreditation is based on percentage of students passing the SOL (70% is full accreditation). If school is "Accredited with warning" the school must develop a Corrective Action Plan.

Funding

Virginia's Educational Reform: Frequently Asked Questions, and Raising Student Achievement
http://www.pen.k12.va.us/VDOE/PolicyPub/EduReform
$15.3 million in remediation funds which provide for additional hours of instruction and teacher training on remediation techniques for the fiscal year 2000.
$6.7 million has been appropriated for the Early Intervention Reading Initiative for the 1998-2000 biennium.

Wisconsin

Wisconsin law can be found at http://www.legis.state.wi.us/rsb/stats.html
Other information was previously located at the Wisconsin Department of Public Instruction website: http://www.dpi.state.wi.us/, and a hard copy of the information is currently on file at NCEO.

Focus

Wisconsin Statutes 118.30
4th grade, 8th grade: math, science, writing, geography, and history
Wisconsin Statutes 121.02
Remedial reading service for pupils in grades k-4 who fail to meet reading objectives, or fail to pass reading assessment.

Criteria

Wisconsin Statutes 115.28
The state superintendent shall:
(1) Develop an educational assessment program to measure objectively the adequacy and efficiency of educational programs offered by public schools in this state. The program shall include methods by which pupil achievement in reading, mathematics, writing, science, social science and other areas of instruction commonly offered by public schools will be objectively measured each year. Assessment shall be undertaken at several grade levels on a uniform, statewide basis.

Wisconsin Statutes 118.30
(1) (a) The state superintendent shall adopt or approve examinations designed to measure pupil attainment of knowledge and concepts in the 4th, 8th and 10th grades.
(1g) (a) 1. By August 1, 1998, each school board shall adopt pupil academic standards in mathematics, science, reading and writing, geography and history. If the governor has issued pupil academic standards as an executive order under s. 14.23, the school board may adopt those standards.
2. By January 1, 2000, or by January 1 of the 1st school year of operation, whichever is later, each operator of a charter school under s. 118.40 (2r) shall adopt pupil academic standards in mathematics, science, reading and writing, geography and history. The operator of the charter school may adopt the pupil academic standards issued by the governor as executive order no. 326, dated January 13, 1998.
Wisconsin Statutes 118.33 (6) (a)
1. Each school board shall adopt a written policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1m) (a) or (am), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the school board. Except as provided in par. (b) 1., the criteria apply to pupils enrolled in charter schools located in the school district.

2. Except as provided in par. (b) 2., beginning on September 1, 2002, a school board may not promote a 4th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 5th grade, and may not promote an 8th grade pupil enrolled in the school district, including a pupil enrolled in a charter school located in the school district, to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the school board's policy adopted under subd. 1.
(b)
1. Each operator of a charter school under s. 118.40 (2r) shall adopt a written policy specifying the criteria for promoting a pupil from the 4th grade to the 5th grade and from the 8th grade to the 9th grade. The criteria shall include the pupil's score on the examination administered under s. 118.30 (1r) (a) or (am), unless the pupil has been excused from taking the examination under s. 118.30 (2) (b); the pupil's academic performance; the recommendations of teachers, which shall be based solely on the pupil's academic performance; and any other academic criteria specified by the operator of the charter school.
2. Beginning on September 1, 2002, an operator of a charter school under s. 118.40 (2r) may not promote a 4th grade pupil to the 5th grade, and may not promote an 8th grade pupil to the 9th grade, unless the pupil satisfies the criteria for promotion specified in the charter school operator's policy under subd. 1.

State Superintendent's Parent Advisory Council
State of Wisconsin Department of Public Instruction
Bright Beginnings & Family-Community-Schools Partnership
Holloway, Executive Assistant to State Superintendent, said DPI is not comfortable with the "social promotion" legislation currently proposed which would mandate schools to not promote to the next grade children who fail to pass the fourth and eighth grade state assessments. She said it does not take into account many other issues in the child's life.

Reply to letter "No Social Promotion" challenge
Offers recommendations in developing promotion policies. This was written by the state education department in response to the no social promotion law. It is well written and makes good points. It presents essential characteristics of such a policy and also lists recommendations for improvement. Essential characteristics include: an effective state accountability policy, comprehensive measure of student learning, a policy that prevents failure, an affordable accountability system that prevents failure, a reasonable balance between state and local control.

Students with Disabilities

Wisconsin Statutes 115. 77
1m) A local education agency shall demonstrate to the satisfaction of the division [DPI Division for Learning Support, Equity and Advocacy] that it does all of the following:
(bg) Includes children with disabilities in statewide and local educational agency-wide assessments, with appropriate modifications where necessary, or in alternative assessments for those children who cannot participate in statewide or local educational agency-wide assessments.

Wisconsin Statutes 115. 787
(2) REQUIRED COMPONENTS. An individualized education program shall include all of the following:
(e) 1. A statement of any individual modifications in the administration of any statewide or local educational agency-wide assessment of pupil achievement that are needed for the child to participate in the assessment.
2. If the individualized education program team determines that a child will not participate in a particular statewide or local educational agency-wide assessment of pupil achievement, or part of such an assessment, a statement of why that assessment is not appropriate for the child and how the child will be assessed through alternative means.
Minutes of state superintendent's council on special education
Department is preparing some material to address questions of how social promotion relates to students with disabilities.

Wisconsin Statutes 118.30
"School board may determine not to administer an examination under this section to a pupil enrolled in a special education program under subchapter V of chapter 115. The school board may modify the format and administration of an examination for a pupil enrolled in such a program."

Student Interventions

Wisconsin Statutes 121.02
Remedial reading service for pupils in grades k-4 who fail to meet reading objectives, or fail to pass reading assessment.
The No-Social Promotion Challenge
"Among the difficulties with the new law is failure to address remediation"

The College of Education
& Human Development

UNIVERSITY OF MINNESOTA